

BK1000138

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
AT DAYTON

IN RE:

Kenneth David Sizemore

Debtor

Case No. 08-32326

Chapter 13

Judge Humphrey

**NOTICE OF DEBTOR'S DEFAULT  
UNDER PRIOR COURT ORDER BY U.S.  
BANK N.A. BY AND THROUGH U.S.  
BANK HOME MORTGAGE, ITS  
SERVICER (PROPERTY ADDRESS:  
210 MAGNOLIA LANE, FAIRBORN,  
OH 45324)**

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Please take notice that the debtor has failed to make the post-petition payments due and owing to U.S. Bank N.A. by and through U.S. Bank Home Mortgage, its servicer, regarding property located at 210 Magnolia Lane, Fairborn, OH 45324, which consists of:

Post Petition Payments:

Amount	Date Due
622.36	December 1, 2009
622.36	January 1, 2010
622.36	February 1, 2010

Post Petition Late Charges:

Amount	Date Due
21.05	December 1, 2009
21.05	January 1, 2010
21.05	February 1, 2010

less debtor's suspense balance of \$330.47. This constitutes a default under the Agreed Order on Motion for Relief From Stay of U.S. Bank N.A. by and through U.S. Bank Home Mortgage, its servicer, filed herein on February 6, 2009.

Unless a written Objection is filed with the Clerk within ten (10) days from the date on the Certificate of Service hereof and a copy served on the undersigned counsel, this Notice will be effective to grant U.S. Bank N.A. by and through U.S. Bank Home Mortgage, its servicer final relief from the automatic stay and no further Order will be filed. If an Objection is timely filed and served, a hearing may be held on further notice as the Court shall direct.

Pursuant to said Agreed Order this Notice will be effective to grant Creditor final relief from the automatic stay and no further Order will be filed.

/s/ Michael R Proctor

Michael R Proctor, Case Attorney  
LERNER, SAMPSON & ROTHFUSS  
Bar Registration No. 0076240  
Attorneys for Movant  
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## **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing Notice of Default Under Prior Court Order of the secured creditor, U.S. Bank N.A. by and through U.S. Bank Home Mortgage, its servicer, was electronically transmitted on or about February 26, 2010 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list:

Lee Hohl, Esq.  
1839 East Stroop Road  
Kettering, OH 45429  
leehohlattorney@aol.com

Jeffrey M. Kellner  
131 North Ludlow Street  
Suite 900  
Dayton, OH 45402-1161  
ecfclerk@dayton13.com

Office of the U.S. Trustee  
170 North High Street, Ste. 200  
Columbus, OH 43215  
ustpregion09.cb.ecf@usdoj.gov

The undersigned certifies that a copy of the foregoing Notice of Default Under Prior Court Order of the secured creditor, U.S. Bank N.A. by and through U.S. Bank Home Mortgage, its servicer, was transmitted on or about February 26, 2010 via regular U.S. mail, postage pre-paid:

Kenneth David Sizemore  
1225 Apple Street  
Fairborn, OH 45324

/s/ Michael R. Proctor, Case Attorney